

APPROVED MINUTES
Idaho Soil Conservation Commission
2270 Old Penitentiary Road
Boise, Idaho

The Idaho Soil Conservation Commission held a teleconference call on May 24, 2004, at the Idaho State Department of Agriculture, 2270 Old Penitentiary Road, Boise, Idaho.

Chairman Reid called the teleconference to order at 9:05 a.m. Mountain Standard Time. Reid asked Thomasson to perform a verbal roll. Those present are as follows:

Members: Jerry Reid – Chairman
Bill Whittom – Vice Chairman
J. Morgan Evans – Secretary
Tom Johnston – Member
Gary Grindstaff - Member

Others: Jerry Nicolescu, Administrator, SCC
Brenda Thomasson, SCC
Kyle Hawley, IASCD Director Division II
Kent Foster, IASCD Executive Director
Steve Strack, Idaho Attorney General's Office

EXECUTIVE SESSION

Whittom moved to enter executive session at 9:07 a.m. pursuant to Idaho Code § 67-2345 to discuss potential litigation and personnel matters. Grindstaff seconded. Roll call vote of members: Johnston – Aye; Whittom – Aye; Evans – Aye; Grindstaff – Aye; Reid – Aye. Motion carried and the Commission entered Executive Session. Reid asked all present on the call to remain on the call.

The Commission returned from Executive Session at 9:39 a.m. Grindstaff moved to offer an informal settlement meeting to the supervisors of the NezPerce SCD following appropriate procedures. Johnston seconded. Roll call vote of members: Johnston – Aye; Whittom – Aye; Evans – Aye; Grindstaff – Aye; Reid – Aye. Motion carried. Nicolescu will draft a letter to the parties inviting them to participate in an informal meeting, where they can have an attorney present if they wish. Johnston moved to have a representative from IASCD and a representative from NRCS included as part of a Committee meet informally with the NezPerce district supervisor(s) and to make a recommendation to the Commission. Grindstaff seconded and the motion carried.

Each entity will decide which representative to include. The informal meeting would be held in Lewiston. It was suggested that Kyle Hawley, Rich Sims, Jerry Reid, and Jerry Nicolescu participate in the informal meeting. Hawley asked for clarification of what his role at the informal meeting would be. Nicolescu stated that as an advisor to the Commission and as a representative to the association, it would be Hawley's role to represent both sides and present his opinion as fairly as possible. Nicolescu stated that he will request a list of potential hearing officers from the Attorney General's office, in case one is needed at the informal meeting. Nicolescu will also put a formal packet of information together for the committee to review prior to the informal meeting. After the meeting is held, the committee would report back to the members with a recommendation.

Evans moved that in informal committee be appointed and report back to the Commission as outlined by Nicolescu (above). Johnston seconded. A lengthy discussion followed during which it was asked if this motion was the same as the one previously made by Johnston and seconded by Grindstaff. It was agreed they were similar motions. The question also was raised that if the NezPerce District supervisors come to the meeting with an attorney and the committee does not have an attorney present, can the Committee walk away from the meeting. It was felt that this would push the meeting into a formal hearing and it was agreed that if at anytime either party felt uncomfortable with an informal meeting, a formal hearing could be requested. Hawley thanked the Commission members for putting so much effort into making sure that this situation is handled correctly and for working so diligently to resolve this situation without escalating it any further. At the conclusion of this discussion, the motion carried.

There being no further business to discuss, Johnston moved that the meeting be adjourned. Evans seconded and the motion carried. The meeting adjourned at 9:56 a.m. Mountain Standard Time.

Respectfully submitted by Brenda Thomasson, Management Assistant.